

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad, vide Procgs.Rc.No. C3/2282/2019-3, dt.25.11.2020 - Appeal filed by Rathod Raju S/o Noorsingh R/o. Dhanora-K Village of Indervelly Mandal, Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 48

Dated: 25-06-2021
Read the following:-

1. GO Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procgs.Rc.No.C3/2282/2019-3, dt.25.11.2020 of the District Collector, Adilabad.
3. Appeal petition filed by Rathod Raju S/o Noorsingh R/o. Dhanora-K Village of Indervelly Mandal, Adilabad District, dated. 16.10.2020.
4. Govt.Memo.No.1055/TW.LTR/2020, dated:08.01.2021.
5. Notice No.1055/TW.LTR/2020, dt. 08.01.2021.
6. Lr.Rc.No.D5/309/2018,dated:21.01.2021 of the PO, ITDA, Utnoor, Adilabad District.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad vide her orders in the reference 2nd cited, has issued orders cancelling the Agency Area Local ST Certificate bearing No.C/433/2018, dated 11.10.2018 issued by the Tahsildar, Indervelly to Rathod Raju S/o Noorsingh R/o Dhanora-K, Village of Indervelly Mandal, Adilabad District and also declared that the individual is not a local ST as per definition of GO Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018, basing on the following findings of the Scrutiny Committee:

- Applicant Rathod Raju S/o Noorsingh R/o Shankerguda, Dhanora-K village of Indervelly Mandal of Adilabad District had appeared before the Committee and submitted the following documents in support of his claim:
 - Family Tree.
 - Caste Certificate No.CND021501683902, dated 17.06.2015 issued by Tahsildar, Indervelly.
 - Voter list for the year 1972.
 - Voter list for the year 1977.
 - Agency Certificate issued by the Tahsildar, Indervelly vide No.C/433/2018, dated 11.10.2018.
- Scrutiny Committee had verified the connected documents produced by the individual and thereafter concluded the enquiry and submitted finding to the District Collector that

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"the candidate has failed to produce documentary evidences since January 1950".

- Show Cause Notice was issued to the individual to appear before the District Collector on 23.9.2020 along with his written reply and connected documents to prove his claim as Local ST.
- Accordingly, the individual attended before the District Collector on 23.9.2020 and submitted 1965 voter list and subsequent voter lists 1971, 1977 without attestation of AERO/Tahsildar and informed that he has no other documentary evidence to prove that he or his forefathers residing in agency area since 1950. So, the above observations of the Scrutiny Committee is found valid.

3. Aggrieved by the above orders of the Collector & District Magistrate, Adilabad, the Appellant Rathod Raju S/o Noorsingh has filed appeal dt.7.12.2020 before the Government on 9.12.2020 stating that:

- He has been provisionally selected for the post of Junior Panchayat Secretary.
- The District authorities has rejected his claim as not belonging to Agency Area Local ST.
- His ancestors lived in Bikkuthanda (Ginnerathanda) of Indervelly Mandal from before 1950 eking out their livelihood by cattle grazing and doing agricultural labour and that they do not have any fixed assets or documents. However, their names were enrolled in the Voter lists of 1965, 1971 and 1977.
- Therefore, in the light of the above evidences, he has requested to consider his case.

4. The following documents are submitted along with the Appeal and also during hearing on 23.1.2021.

- i) Family Tree duly Notarized and witnessed by village elders and another Family Tree duly signed by Dy.Tahsildar, Indervelly, Sarpanch, GP Ginnera and village elders – it was further mentioned therein that the family members as stated in the family tree lived in their village i.e. Ginnera from before 1950 to 1982.
- Late Sri Rathod Megya S/o Balu is great grandfather of appellant. He has two sons viz., 1) Rathod Kapurya and 2) late Rathod Jemla (grandfather of appellant).
- Rathod Kapurya has five sons namely 1) Rathod Noorsingh (father of appellant) 2) Rathod Kishan 3) Rathod Ramesh 4) Rathod Ganesh and 5) Rathod Dinesh.
- Rathod Noorsingh i.e. father of appellant has one daughter and two sons namely 1) Shilpa (daughter) 2) Raju (son and appellant herein) and 3) Sandeep (son).

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- Declaration by village elders dt.6.8.2020:
 - Sri Rathod Kapurya S/o Megya, Sri Rathod Jemla S/o Megya lived in Bikkuthanda (Ginnerathanda) village from before 1950 to 1982. Their names were enrolled in the electoral rolls i.e. 1965, 1971, 1977. They do not have any fixed assets and used to live on cattle grazing, doing agriculture labour works. After 1982, Rathod Kapurya and Rathod Jemla along with their family members migrated to Sankarguda (Dhanora-K) village under Dhanora-B Gram Panchayat of Inderavelly Mandal and settled there. Therefore, they have unanimously declared that the families of Rathod Noorsingh S/o Jemla and their ancestors lived in their village from before 1950 till 1982.
- Community and Date of Birth Certificate bearing No.CND021501683902, dt.17.06.2015 issued by Tahsildar, Indeeravelly – wherein it was certified that Sri Rathod Raju S/o Noor Singh of Dhannura-K village of Inderavelly Mandal of Adilabad District of Telangana State belongs to Lambadis-28 (ST) community. His DoB is 16th August, 1995.
- Agency Area Local ST Certificate bearing Rc.No.C/433/2018, dt.11.10.2018 issued by Tahsildar, Inderavelly, Adilabad District certifying that the appellant Rathod Raju son of Rathod Noorsingh belongs to ST Lambadies ST community notified under Article 342 of the Constitution of India. He and his grandparents have been continuously residing at Dhanora-K village of Inderavelly Mandal in Adilabad District since 26.01.1950 which is a notified scheduled village as per Scheduled Areas (Part-B States), Order, 1950.
- Agency Certificate bearing Rc.No.C/748/2015, dt.11.8.2015 issued by Tahsildar, Inderavelly – certified that Kum.Rathod Shilpa D/o Noorsingh (sister of appellant) DOB 12.06.1992 about 25 years belonging to ST Sub-Caste Lambadis has been residing at Dhanora-K of Inderavelly Mandal, Adilabad District – from 1950 to till day resided at Dhanora-K Mandal which falls within the scheduled area since 26th day 01 Month 1950 year.
- Electoral Roll 1965 – Ginnera village – Adilabad District – names of Kapurya S/o Megya, Gangabai W/o Kapurya etc.
- Electoral Roll 1971 – Boath Assembly Constituency – Part No.196 – Ginnera village – names of Kapurya, Jemla (grandfather of appellant) etc. were enrolled.
- Electoral Roll 1977 – 241 Boath Assembly Constituency – names of Kapurya Rathod S/o Megya, Jemla S/o Megya were enrolled at Sl.Nos.325 to 328 under H.No.3-69.
- Caste certificate bearing No.D/925/91, dt.21.6.1991 – issued by Mandal Revenue Officer, Inderavelly – certifying that Rathod Noorsingh S/o Jemla R/o Dhanura village belongs to Lambada caste and that his family ordinarily resides in Dhanura-K of Adilabad District.

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- Nativity Certificate bearing No.D/982/91 issued by Mandal Revenue Officer, Indravelli – certified that Rathod Noorsingh S/o Jemla is the resident of Dhanura-K village who had studied upto V class i.e. from 1970 to 1976 at Ginnera and from 1977 to this date he is residing at Dhanura K village of Indervelly Mandal.

ii) Declaration by villagers recorded by VRO Dhanura-K and Mandal Revenue Inspector – wherein it was declared by the villagers that Rathod Noorsingh S/o Jemla belongs to ST Lambada community and his ancestors lived from before 1950 in Ginnerathanda village doing cooli works and in 1981 migrated to Sankarguda H/o Dhanora-K village for livelihood – they do not have any fixed assets except enrolment of their details in the electoral rolls.

5. Vide reference 4th read above, the Collector & District Magistrate, Adilabad has been requested to submit original record pertains into the case along with Parawise Remarks.

6. Accordingly, vide reference 6th read above the PO, ITDA, Utnoor, Adilabad has submitted the connected documents of the case along with Para wise Remarks.

7. Vide reference 5th read above, a Notice has been issued to the appellant to attend for hearing on 23.01.2021 before the Government to prove his claim along with documentary evidences. Accordingly the Appellant Rathod Raju S/o Noorsingh has attended for hearing on 23.01.2021 and submitted the documents along with Appeal Petition.

8. Government after careful examination of the documents available on record and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 23.1.2021 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is observed that there is no complaint made against the Appellant Rathod Raju S/o Norosinh R/o Dhanora-K village, Indervelli Mandal and the District Collector, Adilabad ought to have informed the same to the appointing authority i.e. Distict Panchayat Offficer, Adilabad about his continuous residence in Agency Area from 26.1.1950. Non-compliance of directions of the Hon'ble High Court would attract contempt proceedings and on this count also, the orders of the Dist. Collector, Adilabad deserve to be set-aside.

9. Further, the Government in GO Ms.No.11, dt.20.01.2021 of TW (LTR) Department, has allowed the Appeal petition of Rathod Shilpa D/o Noorsingh R/o Dhanora-K village of Indervelly Mandal of Adilabad District who is own and elder sister of appellant.

10. Therefore, in the light of the above evidences and taking into consideration the orders issued by the Government in G.O. Ms.No.11, dt.20.01.2021 of TW (LTR) Department in respect of own sister of appellant, the appeal filed by the present appellant Rathod Raju S/o Noorsingh R/o Dhanora-K village of Indervelly Mandal of Adilabad District is hereby allowed declaring the appellant as Local ST of agency area of Adilabad District and the Agency Area Local ST certificate issued to him by the

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Tahsildar, Indervelly bearing Rc.No.C/433/2018, dt.11.10.2018 is treated as valid. Accordingly, the cancellation orders issued by the District Collector, Adilabad in Procs.No.C3/2282/2019-3, dt.25 -11-2020 are set-aside.

11. The District Collector, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Rathod Raju S/o Noorsingh R/o Dhanora-K village of Indervelly Mandal of Adilabad District, pincode-504346.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Panchayat Officer, Adilabad District (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER